

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION

UNITED STATES OF AMERICA	}
Plaintiff,	}
§	}
vs.	S CIVIL ACTION NO. 6:07-0290-HFF-WMC
§	}
DENIS K. MUHILLY	
a/k/a K. Muhilly,	}
a/k/a Denis K. Muttilly,	}
a/k/a Denis R. Muhilly,	}
a/k/a Denny Millimy,	}
a/k/a Denis A. Muhilly,	}
Defendant.	3

ORDER

This case was filed as a default of student loan action. Defendant is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Plaintiff's motion for summary judgment be granted and Defendant's motion to dismiss be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

6:07-cv-00290-HFF Date Filed 01/25/08 Entry Number 31 Page 2 of 2

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or

recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 4, 2008, but Defendant failed to file any

objections to the Report. In the absence of such objections, the Court is not required to give any

explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Moreover, a failure to object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th

Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set

forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment

of the Court that Plaintiff's motion for summary judgment be **GRANTED** and Defendant's motion

to dismiss be **DENIED**.

IT IS SO ORDERED.

Signed this 25th day of January, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd

HENRY F. FLOYD

UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Defendant is hereby notified of the right to appeal this Order within sixty (60) days from the

date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.